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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,367	02/07/2002	Lun Chai	PAT-1233DIV	2581

7590 08/12/2004  
Law Offices of Raymond Sun  
12420 Woodhall Way  
Tustin, CA 92782

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/072,367

**Applicant(s)**

CHAI ET AL.

**Examiner**

Yvonne M. Horton

**Art Unit**

3635

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-26 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19, 24-26 and 29 is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached exhibit.

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claim 20 is withdrawn in view of the newly discovered reference(s) to BURLAND, CALL, EYERMAN and KIM. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #757,175 to BURLAND. BURLAND discloses the use of a shade (as shown in figure 2) including at least two adjustable length (lines 42-44) supports (A) each having spaced second ends (SE) and first ends (FE) that connect to a single connector (9), see attached exhibit.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #2,723,673 to CALL. CALL discloses the use of a shade (as shown in figure 1) including at least two adjustable length (adjustable by being telescopic, column 2, line 70) supports (14) each having spaced second ends (31) and first ends (FE) that connect to a single connector (50), see the attached exhibit.

Claims 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,867,019 to EYERMAN. EYERMAN discloses the use of a shade (11) including at least two adjustable length (adjustable by being telescopic) supports (17) each having spaced second ends (as at 12) and first ends (FE), see the attached

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exhibit, that connect to a single connector (15). Regarding claim 21, each support (17) includes a resilient member (32) and a bar (28,30) wherein the bar (30) includes the second end (as at 12). In reference to claim 22, the resilient members (32) are housed within a tubular portion (30). Regarding claim 23, each resilient member (32) is coupled to the first end (FE) by member (28).

Claims 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,002,083 to KIM. KIM discloses the use of a shade (as shown in the figures) including at least two adjustable length supports (1) each having spaced second ends (SE) and first ends (FE) that connect to a single connector (CN), see the attached exhibit. Regarding claim 21, each support (17) includes a resilient member (4) and a bar (1) wherein the bar (1) includes the second end (as at 12). In reference to claim 23, each resilient member (32) is coupled to the first end (FE) by member (28).

***Allowable Subject Matter***

Claims 9-19 and 24-26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 9-19, the prior art of record fails to teach the use of a sunshade including the combination of a central portion having a groove for receiving a locking member and at least one leaf member hingedly connected thereto by an integral thin portion.

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In reference to claims 24-26, the prior art of record fails to teach the use of a sunshade including two adjustable length supports having one end spaced from the other and another end of each support connected to the same connector.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot, in part, in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH

August 9, 2004



# EXHIBIT

No. 757,175.

PATENTED APR. 12, 1904.

E. G. BURLAND.  
ADJUSTABLE CANOPY.  
APPLICATION FILED MAR. 19, 1903.

NO MODEL.

Fig. 1.

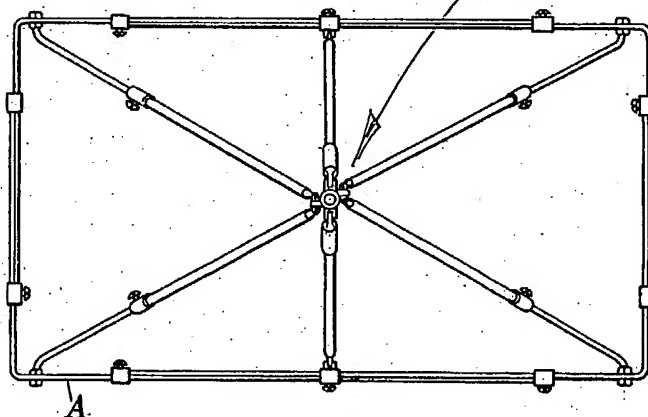
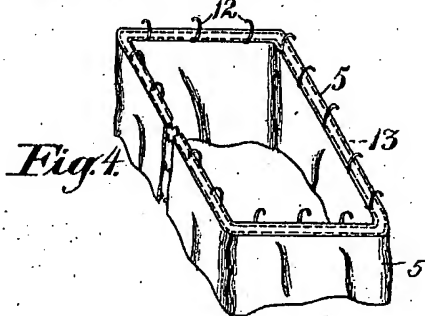
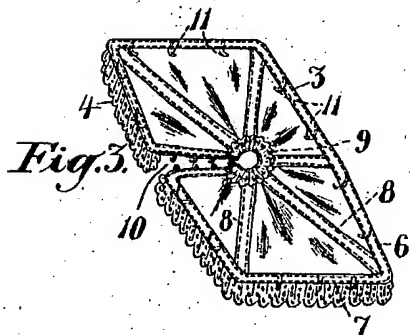
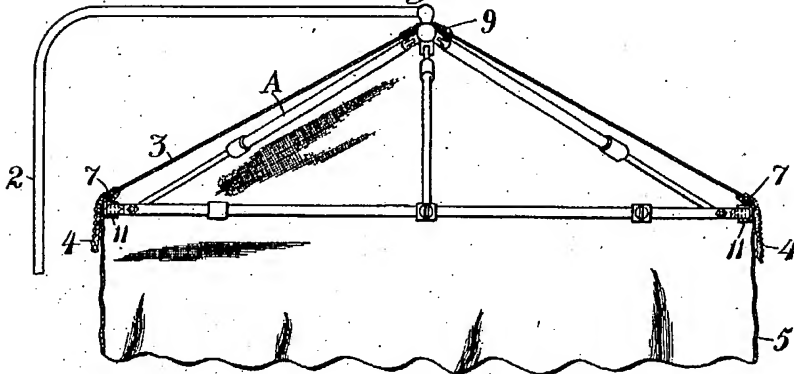


Fig. 2.



Witnesses:  
F. L. Hiedner  
J. H. Hiedner

Inventor:  
Edward G. Burland  
By Geo. H. Strong  
att.

EXHIBIT

PATENTED FEB 18 1975

3,867,019

SHEET 2 OF 2

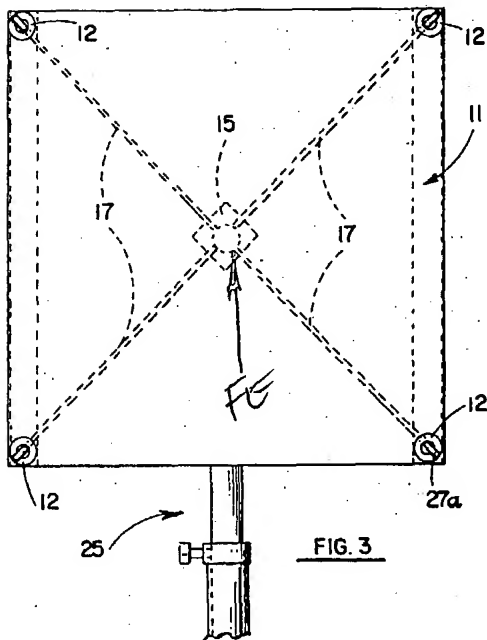


FIG. 3

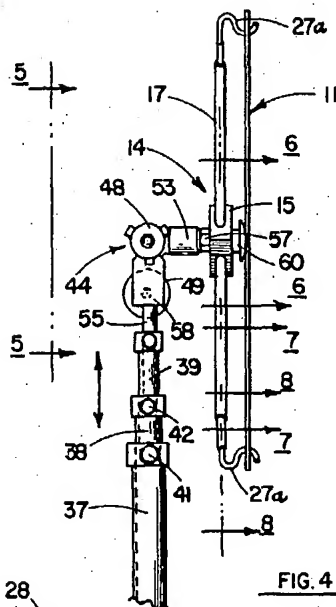


FIG. 4

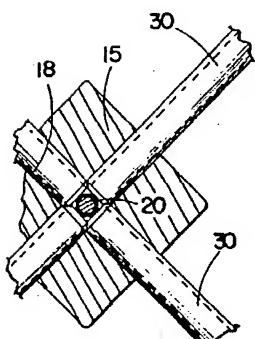


FIG. 6

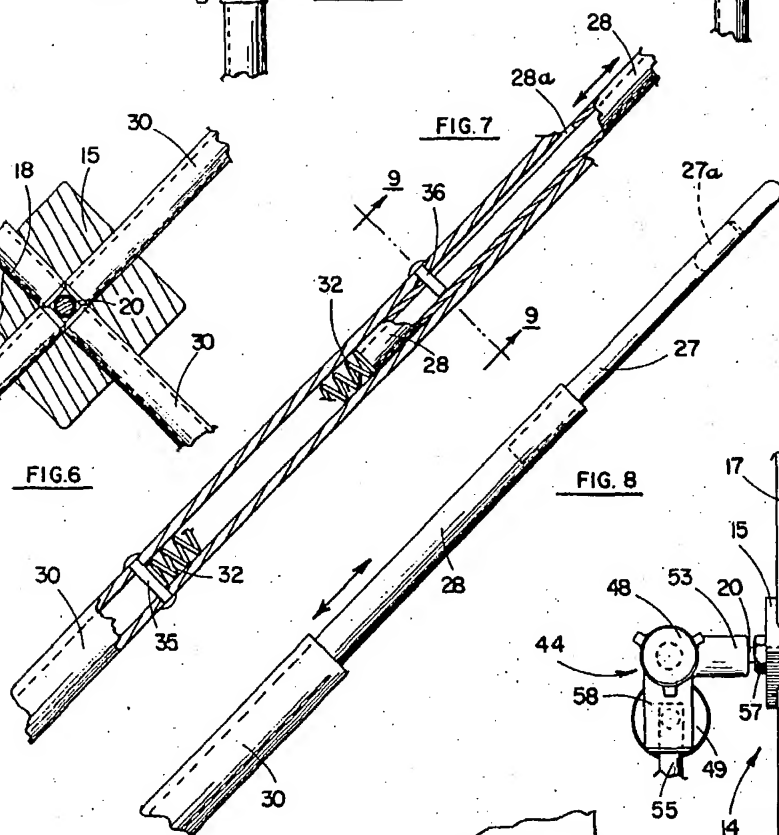


FIG. 7

FIG. 8

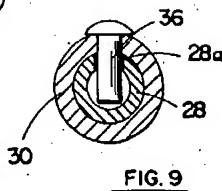


FIG. 9

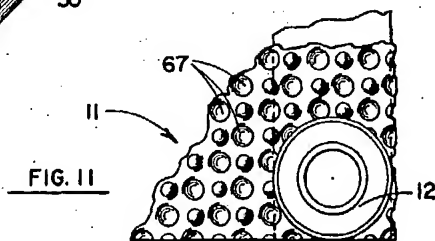


FIG. 11

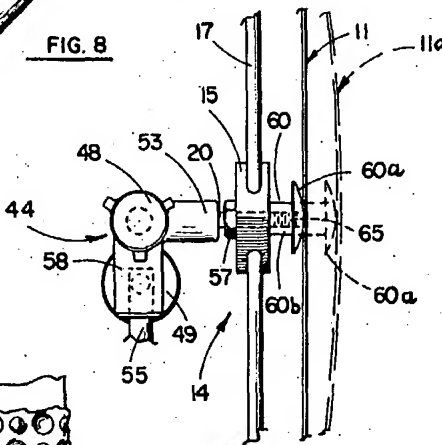


FIG. 10

Exhibit

Nov. 15, 1955

J. G. CALL

2,723,673

TENT FRAMEWORK

Filed Nov. 7, 1950

4 Sheets-Sheet 1

FIG. 1.

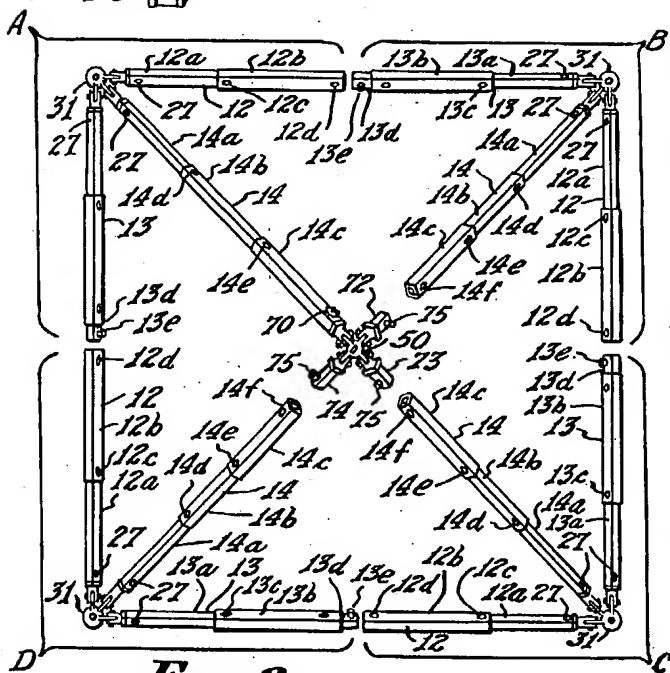
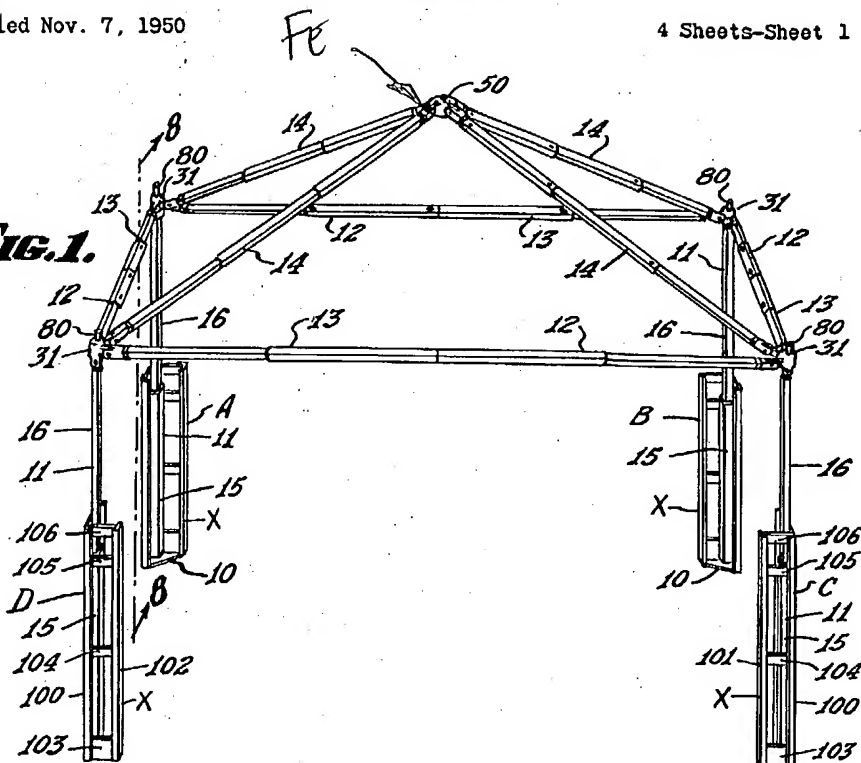


FIG. 2.

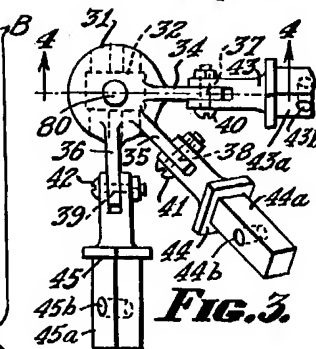


FIG. 3.

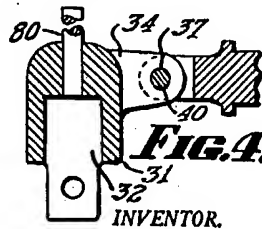


FIG. 4.

INVENTOR.  
JOHN G. CALL,  
Allen & Allen  
ATTORNEYS.



EXHIBIT

**United States Patent** [19]

**Kim**

[11] **Patent Number:** 5,002,083

[45] **Date of Patent:** Mar. 26, 1991

[54] **TENT COVER RETAINING DEVICE**

[75] **Inventor:** Soon-Tae Kim, Seoul, Rep. of Korea

[73] **Assignee:** Baejin Corporation, Seoul, Rep. of Korea

[21] **Appl. No.:** 390,489

[22] **Filed:** Aug. 1, 1989

**Related U.S. Application Data**

[63] Continuation of Ser. No. 117,679, Nov. 5, 1987, abandoned.

[51] **Int. Cl.<sup>5</sup>** ..... E04H 15/28

[52] **U.S. Cl.** ..... 135/98; 135/102;  
135/105; 135/109; 135/119

[58] **Field of Search** ..... 135/105, 104, 103, 98,  
135/109, 102, 115, 119

[56] **References Cited**

**U.S. PATENT DOCUMENTS**

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*Primary Examiner*—David A. Scherbel

*Assistant Examiner*—Lan Mai

*Attorney, Agent, or Firm*—Donald C. Feix

[57] **ABSTRACT**

A tent cover retaining device is disclosed for tents having an exterior frame supporting a tent fabric. A hook extends integrally from each frame member, adjacent to a folding joint, and a rubber string secured to the tent cover is connected to the hook. This prevents the tent cover from slipping down when the frame members adjacent to the joint are folded with the joint upward. The tent cover of the folded tent is stabilized in position and is not permitted to slide loosely on the tubular tent frame component. This is particularly important when the tent is re-erected and the frame is unfolded.

**2 Claims, 2 Drawing Sheets**

